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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1279/2025**

KAILASH

.....Petitioner

Through: Ms Nandita Rao, Sr. Advocate with
Mr. Amit Peswani and Mr. Vimal
Tyagi Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Dr. Chandrakant and
Ms. Puja Mann, Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
28.07.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 68/2021, registered at Police Station Punjabi Bagh, Delhi, on 21.01.2021, for the commission of offences punishable under Sections 304B/498A/354/323/34 of the Indian Penal Code, 1860 [hereafter 'IPC'].
2. This is the second application before this Court seeking grant of regular bail. The earlier bail application of the accused was rejected *vide* order dated 03.07.2023, and five applications for regular bail have already been dismissed by the learned Trial Court.
3. Brief facts of the present case are that on 20.01.2021, a PCR call was



received *vide* DD No. 13-A regarding an attempt to commit suicide by the daughter of the caller. Upon investigation, it was found that the deceased had been declared 'brought dead' at the hospital. During the investigation, the statement of the mother of the deceased was recorded by the concerned SDM. In her statement, she stated that her daughter (the deceased) had married the present applicant/accused on 03.03.2014. However, she was allegedly subjected to mental and physical harassment and cruelty by her husband and his family members. Owing to such harassment, the deceased had returned to her parental home and had been residing there for the last few days. The complainant further informed the police and the SDM that her daughter was subjected to cruelty due to non-fulfilment of dowry demands. Based on the directions of the SDM, Punjabi Bagh, the present FIR was registered. The applicant was arrested on 22.01.2021.

4. As per the status report placed on record, on 08.01.2021, the deceased and her mother were assaulted by the present accused and his family members, regarding which DD Nos. 67-A, 68-A, 85-A & 87-A were lodged on the same date. Both the deceased, and the complainant/her mother were then medically examined at Acharya Bhikshu Government Hospital, Moti Nagar, Delhi. NCR No. 003/2021 dated 09.01.2021 was also registered on the complaint of the deceased. Further, during investigation, it came to light that the deceased had filed two hand-written complaints before the CAW Cell, West District, against the applicant and his family members with allegations of cruelty and dowry demands – complaint no. 70/21 dated 19.01.2021 (i.e., a day before the incident) and complaint no. 398/19 dated 23.05.2019.



5. The learned senior counsel appearing for the applicant contends that the applicant has been falsely implicated and that the complainant/mother of the deceased has fabricated a false narrative in order to implicate the applicant and his family members. It is further argued that there are no allegations of harassment for demand of dowry 'soon before' the death of the deceased, so as to attract the ingredients of Section 304B of IPC. The learned senior counsel also submits that the applicant has remained in judicial custody for over four years, and that the trial is proceeding at a slow pace and is likely to take considerable time to conclude. On this ground alone, it is urged that the applicant be released on regular bail.

6. The learned APP, on the other hand, opposes the bail application and submits that the allegations against the accused are serious in nature. It is argued that the two complaints lodged by the deceased herself, including the one lodged immediately before the incident, are sufficient to establish that she was being harassed and tortured for dowry, which ultimately led to her taking the extreme step of ending her life.

7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

8. After hearing the arguments and perusing the case file, this Court is of the view that the complaint dated 19.01.2021, lodged by the deceased alleging demand for dowry and physical as well as mental harassment on account of its non-fulfilment, was not the first such complaint against the present accused. Prior to this, a detailed 13-page complaint had been lodged on 23.05.2019 by the deceased, making similar allegations of cruelty and ill-treatment due to demand of dowry. That earlier complaint was, however,



compromised, following which the deceased began residing separately from her in-laws. Despite the compromise, the harassment, humiliation, and dowry demands allegedly continued, which compelled the deceased to file yet another detailed complaint running into 18 pages on 19.01.2021, containing serious allegations against the present accused/applicant.

9. This Court notes that the said complaint dated 19.01.2021, spanning 18 pages, specifically narrated the nature of torture and cruelty allegedly inflicted upon the deceased by the accused in relation to the dowry demands. Significantly, the deceased committed suicide the very next day, i.e., on 20.01.2021. The proximity between the lodging of the complaint and the act of suicide is, therefore, of less than twenty-four hours. The deceased had made specific and serious allegations of cruelty against the present accused/applicant on account of non-fulfilment of dowry demands such as repeatedly asking the deceased to ask her mother to transfer her house in the name of the present accused, as well as other allegations of cruelty due to deceased giving birth to female child, and not male child.

10. PW-1, the mother of deceased, has also clearly deposed before the learned Trial Court that the accused persons used to harass and ill-treat the deceased, and used to demand dowry. It was also deposed that on 08.01.2021, the accused persons had beaten the deceased and upon enquiring the reason, the deceased had informed PW-1 that she was beaten since her mother (i.e. PW-1) was not transferring her property in the name of present accused/applicant.

11. Therefore, considering the overall facts and circumstances of the case, this Court is of the opinion that no ground for bail is made out considering



the seriousness and gravity of the offence allegedly committed by the present accused/applicant.

12. Accordingly, the present application stands dismissed at this stage.

13. Further, considering the fact that the applicant has been judicial custody for more than 4 years, the learned Trial Court is directed to expedite the recording of evidence in this case.

14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 28, 2025/vc